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#36
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FAX COVER SHEET

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DATE: July 18, 2003

TOTAL # OF PAGES (INCLUDING THIS COVER SHEET): 21

TO: William P. Watkins III, Examiner

FAX #: 703-872-9021

FIRM NAME:

TELEPHONE #:

TO:

FIRM NAME:

FROM: Frederick S. Frei

FAX #: (202) 442-3199

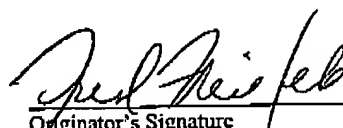
TELEPHONE #: (202) 442-3595

EMAIL: frei.fred@dorsey.com

COMMENTS:

In re Reissue Application of Rodney M. SHIELDS

Per your request, attached are Applicant's objections to admissibility of Petitioner's exhibits and Applicant's objections to admissibility of Petitioner's testimony.



Originator's Signature

Original will be sent via:



Mail



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Air Courier



Will not be sent

PLEASE CONTACT ECKOVALYN A. BLACK AT (202) 442-3616 IF THIS TRANSMISSION IS INCOMPLETE OR CANNOT BE READ.

Reference # 468824-8 (3248)

Received from < > at 7/18/03 3:10:37 PM [Eastern Daylight Time]

468824-8

Attorney Docket Number

RE:

April 14, 2003

Date of filing enclosed papers

IMAGE DISPLAY APPARATUS WITH HOLES FOR OPPOSITE SIDE VIEWINGApplication No.: **09/267,025**Filing date: **March 11, 1999**

Patent No.: _____

Issue date: _____

Applicant/Inventor **Rodney M. SHIELDS**

The following items/fees were received from Dorsey & Whitney, Washington, D.C., by the U.S. Patent & Trademark Office:

ITEMS

- ☐ PCT Request (5) Pages & PCT fee calculation sheet
☒ Transmittal Letter (itemized)
☒ Applicant's objections to admissibility of Petitioner's exhibits
☒ Applicant's objections to admissibility of Petitioner's testimony
☒ Power of Attorney
☐ Response to Notice to File Missing Parts of Application
☐ Certificate of Correction
☐ Request for Certificate of Correction of Patent
☐ Supplemental Information Disclosure Statement
☐ IDS w/PTO 1449 forms & reference copies
☐ Letter to Draftsman
☐ Issue Fee Transmittal PTOL Form 85B
☐ Issue Fee Transmittal Letter
☐ Amendment Under 37 CFR § 1.312(a)
☐ Assignment w/Cover Sheet
☐ New U.S. Provisional Patent/Design Application (12 sheets)
☐ National Stage Application
☐ Translation of National Stage
☐ Priority Document - CC ofApp. # Date
☐ Combined Notice of Appeal and Pet. For Extension of Time
☐ Petition/Request for EOT
☐ Amendment/After final
☐ Status Check Inquiry


- ☐ Notice of Appeal
☐ Appeal Brief (in triplicate)
☐ Reply Brief (in triplicate)
☐ Request for Oral Hearing
☐ Confirmation of Hearing Petition
☐ Response

OTHER ITEMS

- ☐ New App. Transmittal Letter
☐ Executed Declaration and Power of Atty.
☐ Acknowledgment self-stamped postcard
☐ Filing Fee
☐ Filing Fee
☐ Filing fee
☐ Surcharge fee
☐ Additional Claim fees
☐ Recordation/Indexing fee
☐ IDS fee
☐ Extension of Time Fee
☐ **TOTAL FEES =**

**RETURN DATE-STAMPED
 BLUE SHEET TO:
 WYLIE WILLIAMS/EV
 TEL. (202) 442-3000**

TRANSMITTAL FORM (to be used for all correspondence after initial filing)		Application No.	09/267,025
		Filing Date	March 11, 1999
		First Named Inventor	Rodney M. SHIELDS
		Examiner Name	W. P. Watkins III
		Group Art Unit	1772
Total Number of Pages in This Submission	18	Attorney Docket No.	

ENCLOSURES (check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input checked="" type="checkbox"/> Power of Attorney <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, No. of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Applicant's objections to admissibility of Petitioner's exhibits Applicant's objections to admissibility of Petitioner's testimony
Remarks		
SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT		
Firm or Individual name	Aldo Noto, Reg. No. 35,628	
Signature		
Date	April 14, 2003	

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re REISSUE APPLICATION OF

Confirmation No.: 6529

Rodney M. SHIELDS

Group Art Unit: 1772

Application No.: 09/267,025

Examiner: William P. Watkins III

Filed: March 11, 1999

Title: IMAGE DISPLAY APPARATUS WITH HOLES FOR OPPOSITE SIDE VIEWING

April 14, 2003

APPLICANT'S OBJECTIONS TO ADMISSIBILITY
OF PETITIONER'S EXHIBITS UNDER 37 CFR §1.672(b)
FOR PUBLIC USE PROCEEDINGS

Hon. Commissioner of Patents
Washington, D.C. 20231

Sir:

Applicant by counsel and pursuant to the Examiner's Schedule in this matter, submits the following objections to petitioner's proposed exhibits. In making these objections, or not making objections, Applicant does not waive any arguments as to weight, credibility, or truth of matters contained in the document nor to any improper use or purpose for which the exhibit may be offered.

Applicant also moves to strike much of the exhibits and testimony as duplicative, cumulative and not relevant. It is hoped that the record can be reduced to the relevant papers. Petitioners should submit one comprehensive set of Petitioner's Exhibits.

Application No.: 09/267,022

<u>Exhibit</u> <u>/¶ No.</u>	<u>Description</u> ¹	<u>Legal Grounds</u> <u>For Objection</u>
1	Offcut of "Old Joe" advertisement assembly	Not relevant, no authentication, no chain of custody, no foundation
2	Affidavit of Linda M. Icard	<i>See Applicant's Objections to Petitioner's Testimony; also for below exhibits See also Applicant's Objections to Petitioner's Testimony incorporated herein by reference</i>
2A	Documents relating to production of self-adhesive and static cling assemblies	Not relevant, no authentication, no chain of custody
2B	Records regarding sales of assemblies by Visual Technologies, Inc. and Clear Choice Marketing, Inc.	Not relevant, cumulative and unduly confusing, no authentication, no chain of custody
2C	Extracts from Visual Technologies, Inc.'s production calendar	Not relevant, unduly confusing, no authentication, no chain of custody
2D	Offcut of "Old Joe" advertisement assembly	Not relevant, the proffered exhibit is not evidence of use, unduly confusing, not clear what Joe Camel ad this is, no authentication, no chain of custody
2E	October 1, 1993 letters from Clear Choice Marketing, Inc. to Coca-Cola Fountain, Georgia Lottery Commission, and Earl Palmer Brown Co.	Not relevant; hearsay, unsigned, no foundation, no authentication, no chain of custody, move to strike
2F	Photographs of the "Old Joe" advertisement assembly as applied to a window of a Circle K convenience store	Compound, not relevant, hearsay, no foundation, no authentication, no chain of custody.
2G	Article concerning Gatorade's use of ImagoImage advertisement assemblies	Not relevant, hearsay, not evidence, not dated, no foundation, no authentication, no chain of custody, move to strike
2H	Invoice of order to produce "Old Joe" perforated self-adhesive assembly for a full-scale advertising program	Not relevant; hearsay, out of time, move to strike.
2I	U.S. Pat. No. 5,515,177	Not relevant.
2J	U.S. Pat. No. 5,773,110	Not relevant.

¹ Applicant repeats petitioner's description of its exhibits for convenience and the avoidance of confusion only, without necessarily agreeing to the accuracy of petitioner's descriptions.

Application No.: 09/267,0

<u>Exhibit / No.</u>	<u>Description¹</u>	<u>Legal Grounds For Objection</u>
2K	July 26, 1993 ImagoImage, Inc. confidential non-disclosure agreement	No objection.
2L	Facsimile from Greg Ross to Linda and Ben Icard concerning ImagoImage license	Not relevant, incomplete as it represents page 1 of 10 pages transmitted, foundation, authentication, chain of title
2M	Material similar to the perforated self-adhesive assembly used for the "Airport Cruiser Bus" project	Not relevant, Foundation, Hearsay, no authentication, no chain of custody, unduly confusing, move to strike
2N	Articles concerning advertisements on busses	Not relevant, appears to be unperforated film from Contravision, hearsay, not evidence, no foundation, unduly confusing, move to strike
2P	Notes made by Linda Icard on 9/29/93 and 9/30/93	Not relevant
3	Affidavit of Benjamin W. Icard	See Applicant's Objections to Petitioner's Testimony, also for below exhibits See also Applicant's Objections to Petitioner's Testimony incorporated herein by reference
3A	8/16/93 license offer to Linda and Ben Icard from Greg Ross; resulting license	Confidential document
3B	Addendum to the license in Exhibit 3A	Confidential document
3C	Documentation of actual sales of bus advertising materials to Las Vegas Hilton (Day Graphics), David Taylor, TANK Transit Authority, Phoenix Transit, Von Arrt, WTVD, Graphics International, and Tulsa Transit (Market Media), all of which were shipped before the end of September 1993	Not relevant, not authenticated, no chain of custody, no foundation, incomplete, hearsay, outside of relevant dates, cumulative, and unduly confusing
3D	ImagoImage, Inc. promotional material; letters from Clear Choice Marketing, Inc. to various customers	Letter states that the item is patented, not relevant, not dated, unsigned, hearsay, not authenticated, no chain of custody, no foundation
3E	ImagoImage, Inc. publicity material including newspaper reports of perforated self-adhesive assemblies on a "RoboBus"	Not relevant, hearsay, cumulative, same objections as prior submission of same exhibits, move to strike
3F	November 29, 1993 article in Adweek; documentation of the sale of the advertisement illustrated in the Adweek article	Not relevant, hearsay, not evidence, not dated, no foundation, no authentication, no chain of custody, move to strike

Application No.: 09/267,0

<u>Exhibit /¶ No.</u>	<u>Description¹</u>	<u>Legal Grounds For Objection</u>
3G	Article in the June 1994 P.O.P. Times	Not relevant; hearsay, dated June of 1994 outside relevant time frame, cumulative, move to strike
3H	September 1993 photographs of the "Old Joe" advertisement assembly as applied to a window of a Circle K convenience store	Not relevant, cumulative, same objections as prior submission of same exhibit
3I	ImagoImage promotional materials and cover letter enclosing same	Not relevant, hearsay, materials dated January 24, 1994 outside relevant dates, no foundation, no authentication, no chain of custody, move to strike
3J	October 4, 1993 page from Visual Technologies, Inc.'s production calendar	Not relevant, no foundation, no authentication, no chain of custody, unduly confusing, move to strike
4	Affidavit of George Roland Hill *Note: Applicant moves to have all of George Roland Hill's testimony and exhibits struck, returned, and removed from the record	See Applicant's Objections to Petitioner's Testimony, also for below exhibits See also Applicant's Objections to Petitioner's Testimony incorporated herein by reference; all exhibits hereunder should be stricken, removed from the record and returned.
4A	Correspondence between Contravision North America, Inc. and ImageImage [sic], Inc. concerning U.S. Pat. No. 4,673,609	Not at all relevant, inflammatory, prejudicial, <u>move to strike</u>
4B	Photographs of the "Old Joe" advertisement assembly	Not relevant; no foundation, recreated after the fact, provided after the fact, pictures not taken contemporaneously, out of time, double and triple hearsay, no authentication, no chain of custody, undated, unreliable, cumulative, not evidence, <u>move to strike</u>
4C	ImagoImage publicity and licensing information; correspondence to and from Contravision North America, Inc. concerning ImagoImage, Inc.'s products	Hearsay, not relevant, out of time; chain of custody; foundation, not authenticated, outside the United States, cumulative, papers dated Jan 24 1994 and Feb., 3, 1994, unsigned documents, same documents resubmitted as exhibits multiple times, unduly confusing, hodgepodge of unrelated not relevant documents, <u>move to strike</u>

Application No.: 09/267,021

<u>Exhibit</u> <u>/¶ No.</u>	<u>Description</u> ¹	<u>Legal Grounds</u> <u>For Objection</u>
4D	Offcut of a Gatorade advertisement	Not relevant; hearsay, applicant's cannot determine what this represents, indistinguishable, no foundation, no chain of custody, no authentication, undated, <u>move to strike</u>
4E	Photographs of the "Old Joe" advertisement assembly applied to a window at a Circle K convenience store in Charlotte, NC	Not relevant; hearsay, cumulative, no authentication, chain of custody, no foundation, <u>move to strike</u>
5	Declaration of Abigail Parker	<i>See Applicant's Objections to Petitioner's Testimony – non-expert testimony; not relevant; , also for below exhibits See also Applicant's Objections to Petitioner's Testimony incorporated herein by reference</i>
5A	Photographs taken by Abigail Parker on October 7, 1993 of an Image/Image [sic] advertisement assembly on an LAX Airport Shuttle	Not relevant; hearsay, lack of foundation
5B	Offcut of a mounted Gatorade product advertising assembly	Not relevant; no foundation; out of time-referring to samples received March 3, 1994, to the extent activities are occurring outside the United States they are not relevant, <u>move to strike and return</u>
6	Affidavit of Patrick Henrietta	<i>See Applicant's Objections to Petitioner's Testimony, also for below exhibits See also Applicant's Objections to Petitioner's Testimony incorporated herein by reference</i>
6A	Visual Technologies, Inc. Production Calendar extracts	Not relevant; cumulative; unduly confusing, not authenticated, no chain of custody, no foundation
6B	October 1, 1993 letter from Clear Choice Marketing, Inc. to Coca-Cola Fountain	Not relevant, hearsay, unsigned, chain of custody; no foundation, no authentication, cumulative, <u>move to strike</u>

Application No.: 09/267,007

<u>Exhibit</u> <u>/¶ No.</u>	<u>Description</u> ¹	<u>Legal Grounds</u> <u>For Objection</u>
7	Supplemental Declaration of George Roland Hill²	See Applicant's Objections to Petitioner's Testimony, also for below exhibits See also Applicant's Objections to Petitioner's Testimony incorporated herein by reference -- move to strike, move to have returned
7F	April 8, 1997 Clear Focus Imaging, Inc. "Issued Patents and Patent Applications [sic]"	Not relevant, no foundation, not authenticated, no chain of custody, outside scope of public use proceeding, <u>move to strike</u>
7G	Statutory Declaration in the matter of Clear Focus Patents and Patent Applications	Not relevant, hearsay, opinion, no foundation, no chain of custody, not authenticated, outside scope of public use proceeding, jumble of misc documents with no purpose, cumulative, <u>move to strike</u>
7H	ImagoImage Company documents	Not relevant, hearsay; lack of foundation, no chain of custody, no authentication, outside scope of public use proceeding, <u>move to strike</u>
7I	August 1992 ImagoImage, Inc. brochure and computer printout regarding this brochure	Not relevant, hearsay, no foundation, no chain of custody, no authentication, undated, unsigned, <u>move to strike</u> .
7J	Press cuttings concerning the RoboCop 3 project and a letter dated August 23, 2001 indicating that the RoboCop 3 advertisement assembly was printed by Supergraphics, Inc.	Not relevant, hearsay, clearly outside any scope of this proceeding, <u>move to strike</u> .
7K	July 21, 1993 license agreement between ImagoImage, Inc. and Supergraphics, Inc.	Not relevant, hearsay, no chain of custody, no foundation, no authentication, outside scope of public use proceeding, <u>move to strike</u>
7L	September 16, 1993 license agreement between ImagoImage, Inc. and Clear Choice	Not relevant, hearsay, no chain of custody, no foundation, no authentication,

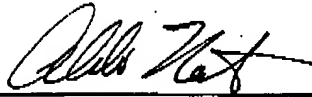
² Applicant moves to have the entire Supplemental Declaration of George Roland Hill returned to the Petitioner as improper. See Decision Returning Papers (Paper No. 26) dated January 22, 2003. This Supplemental Declaration is clearly outside the limited scope of a Public Use Proceeding. Applicant maintains that the reasons for the January 22, 2003 Decision Returning Papers apply to Mr. Hill's supplemental declaration as well.

Application No.: 09/267,027

<u>Exhibit</u> <u>/¶ No.</u>	<u>Description</u> ¹	<u>Legal Grounds</u> <u>For Objection</u>
	Marketing, Inc.	outside scope of public use proceeding, <u>move to strike</u> .
7M	September 27, 1993 license agreement between ImagolImage, Inc. and Edge Media Group, Inc.	Not relevant, hearsay, no chain of custody, no foundation, no authentication, outside scope of public use proceeding, <u>move to strike</u>
7N	Extracts from a protest by Creative Minds Foundation signed by Gregory E. Ross, its President, in the Reissue of U.S. B1 4,673,609	Not relevant, hearsay, no chain of custody, no foundation, no authentication, outside scope of public use proceeding, <u>move to strike</u>
7O	Clear Focus Imaging, Inc.'s Opposition to the Amendment of GB 2 165 292	Not relevant; outside scope of public use proceeding, <u>move to strike</u>
7P	Declaration of Gregory E. Ross and Amendment dated January 23, 2002 in reissue application no. 09/267025	Not relevant; outside scope of public use proceeding, just more clutter and confusion on part of Petitioner, <u>move to strike</u>
7Q	August 17, 1993 letter from Gregory E. Ross to Edge Marketing enclosing sample Exclusive License Agreement	Not relevant, hearsay; incomplete, chain of custody, authentication, lack of foundation, <u>move to strike</u>

Respectfully submitted,
DORSEY & WHITNEY LLP

Date: April 14, 2003


Aldo Noto, Reg. No. 35,628
1001 Pennsylvania Avenue, N.W.
Suite 400 South
Washington, D.C. 20004
Tel: (202) 442-3000
Fax: (202) 442-3199

Application No.: 09/267,0¹

PROOF OF SERVICE UNDER 37 CFR §1.248

I hereby certify that on this 14th day of April 2003, a true copy of the foregoing **APPLICANT'S OBJECTIONS TO ADMISSIBILITY OF PETITIONER'S EXHIBITS UNDER 37 CFR §1.672(b) FOR PUBLIC USE PROCEEDINGS** was served by facsimile and by U.S. First Class mail on counsel for Petitioners as indicated below:

Jack S. Barrufka
Benjamin L. Kiersz
PILLSBURY WINTHROP LLP
1600 Tysons Boulevard
McLean, VA 22102
Tel: (703) 905-2000
Fax: (703) 905-2500



Aldo Noto, Reg. 35,628
Attorney for Applicant

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
POWER OF ATTORNEY

Docket No.

Name of Applicant: **Clear Focus Imaging, Inc.**
Address of Applicant: **3343 Industrial Drive, Suite 2**
Santa Rosa, CA 95403
Tel. (800) 307-7990
Fax (707) 544-1886

Title: **IMAGE DISPLAY APPARATUS WITH HOLES FOR OPPOSITE SIDE VIEWING**

Serial No., if Any: **09/267,025**
Filed: **March 11, 1999**

TO THE ASSISTANT COMMISSIONER FOR PATENTS

The Assistant Commissioner for Patents
Washington, D.C. 20231

Honorable Sir:
I hereby appoint:

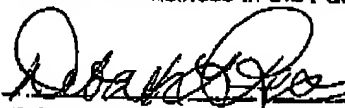
Aldo Noto, Reg. No. 35,628 and all other practitioners associated with PTO customer No. 27082
which collectively conduct business under:
DORSEY & WHITNEY LLP
1001 Pennsylvania Avenue, N.W.
Suite 400 South
Washington, DC 20004
Tel. (202) 442-3000
Fax (202) 442-3199

as principal attorneys to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith.

Please direct all future correspondence to:

DORSEY & WHITNEY LLP
1001 Pennsylvania Avenue, N.W.
Suite 400 South
Washington, DC 20004
Tel. (202) 442-3000
Fax (202) 442-3199

By:


Deborah T. Ross, President

Dated: 4-14-03

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re REISSUE APPLICATION OF

Confirmation No.: 6529

Rodney M. SHIELDS

Group Art Unit: 1772

Application No.: 09/267,025

Examiner: William P. Watkins III

Filed: March 11, 1999

Title: IMAGE DISPLAY APPARATUS WITH HOLES FOR OPPOSITE SIDE VIEWING

April 14, 2003

APPLICANT'S OBJECTIONS TO ADMISSIBILITY
OF PETITIONER'S TESTIMONY FOR PUBLIC USE PROCEEDINGS
UNDER 37 CFR §1.672(b)

Hon. Commissioner of Patents
Washington, D.C. 20231

Sir:

Applicant by counsel and pursuant to the Examiners Schedule in this matter, submits the following objections to petitioner's proposed testimony. In making these objections, or not making objections, Applicant does not waive any arguments as to weight, credibility, or truth of matters contained in the testimony nor to any improper use or purpose for which the testimony may be offered.

Applicant also moves to strike much of the exhibits and testimony as duplicative, cumulative and not relevant. It is hoped that the record can be reduced to the relevant testimony and relevant papers. For example, it appears that all of Mr. George Roland Hill's testimony and exhibits should be removed from the record.

Also, Petitioners should submit one comprehensive set of Petitioner's Exhibits.

Application No.: 09/267,022

AFFIDAVIT OF LINDA M. ICARD

<u>Paragraph No.</u>	<u>Legal Grounds For Objection</u>
1	No objection
2	Not relevant, hearsay
3 ¹	3a. Not relevant, no foundation, hearsay, conjecture, and unduly confusing (FRE 403); move to strike or return; 3b. Not relevant; hearsay, no foundation; 3c. Beliefs should be struck and removed, not relevant, not relevant – a Contra Vision product which is not at all perforated is wholly irrelevant and presented to confuse, no foundation, hearsay; 3d. Not relevant, conjecture, hearsay, foundation, expert testimony from non-expert, and unduly confusing; 3e. Not relevant, Visual Technologies, Inc.'s 2002 methods are not relevant, unduly confusing and should be struck; hearsay, no foundation ;
4	Not relevant, hearsay, no foundation, and compound; any such meeting, if any, held under non-disclosure agreement
5	Not at all relevant, hearsay, conjecture, no foundation, expert testimony from non-expert, unduly confusing
6	Not relevant to the proceeding, not relevant – disclosed in original patent application; proffered testimony is not evidence, but consists of personal observations, conclusions and characterizations and hearsay, expert testimony by non-expert.
7	Not relevant, hearsay, best evidence-Ben Icard can speak for himself, speculation and conjecture.
8	Compound, not relevant, hearsay, lack of foundation, conjecture, speculation, best evidence-Ben Icard can speak for himself, expert opinion from non-expert, unduly confusing for example that Sample M is "similar" to something this affiant knows nothing about.
9 ²	9a. Not relevant, hearsay, conjecture, speculation; 9b. Not relevant, hearsay, no foundation, compound and unduly confusing; 9c. Not relevant, hearsay 9d. Not relevant, hearsay, compound and unduly confusing, speculation, conjecture, no authentication or chain of custody, Chris Becker can submit affidavit; 9e. Not relevant, hearsay, conjecture, speculation, expert testimony by

¹ Paragraph 3 is actually five separate paragraphs with no designations, i.e., 3a, 3b, etc.. Applicant has indicated objections to each subpart and has labeled them 3a, 3b, etc. for the convenience of the Examiner.

² See n.1. For the convenience of the Examiner we have designated these paragraphs 9a, 9b, 9c, etc.

Application No.: 09/267,0.

<u>Paragraph N .</u>	<u>Legal Grounds For Objection</u>
	non-expert; 9f. Not relevant, hearsay, conjecture, speculation, best evidence – Ben Icard can speak for himself; 9g. Not relevant; wholly not relevant, move to strike 9h. Not relevant, hearsay, move to strike; 9i. Not relevant; 9j. Not relevant, hearsay, beliefs are not evidence, move to strike; 9k. Not relevant, hearsay 9l. Not relevant, hearsay 9m. Not relevant; hearsay; 9n. Not relevant, hearsay
10	10a. Not relevant, cumulative, hearsay; 10b. Not relevant, hearsay; 10c. Not relevant, hearsay, no foundation, legal conclusions by non-expert
11 ³	Not relevant; compound, hearsay, and unduly confusing, anything after the date in questions can not possibly be relevant, no foundation, best evidence requires submission of documentary proof, move to strike.
12 ⁴	Move to strike entire paragraph as wholly not relevant, hearsay, speculation and conjecture, no foundation, cumulative.
13	Not relevant, hearsay, legal conclusions, speculation, conjecture, no foundation
14	No objection.
<u>AFFIDAVIT OF BENJAMIN W. ICARD</u>	
1	No objection.
2	No objection.
3	No objection
4 ⁵	4a. Hearsay, not relevant, no foundation, no expertise, conclusions as to assembly process; 4b. Hearsay, not relevant, move to strike; 4c. Not relevant, hearsay, no foundation, legal conclusions; 4d. Hearsay, not relevant; 4e. Speculation, conjecture, hearsay, not relevant, legal conclusions; 4f. Not relevant, hearsay, no foundation, speculation, conjecture, move

³ Paragraph 11 runs from the middle of page 18 t the middle of page 21.

⁴ Paragraph 12 begins in the middle of page 21 and runs to the top of page 24.

Application No.: 09/267,022

<u>Paragraph No.</u>	<u>Legal Grounds For Objection</u>
	to strike.
5	Not relevant, legal conclusions, hearsay, unduly confusing
6 ^b	6a. Not relevant, hearsay, conjecture 6b. Not relevant, hearsay, conjecture; 6c. Not relevant, hearsay, no foundation; 6d. Not relevant, hearsay, no foundation, conjecture, speculation; 6e. Not relevant, no foundation; cumulative; 6f. Not relevant, hearsay, no foundation 6g. Hearsay, not relevant, no foundation 6h. Not relevant, hearsay, not best evidence; 6i. Not relevant;
7 ⁱ	7a. Not relevant, hearsay 7b. Not relevant, hearsay; no foundation; 7c. Not relevant, hearsay, no authentication, no foundation; 7d. Not relevant, hearsay, no authentication, no foundation; 7e. Not relevant, hearsay no authentication, no foundation; 7f. Not relevant, hearsay, no authentication, no foundation; 7g. Not relevant; no foundation, hearsay, no authentication; 7h. Not relevant, hearsay, no authentication, no foundation; 7i. Not relevant, hearsay, no authentication, no foundation; 7j. Not relevant, hearsay no authentication, no foundation 7k. Not relevant, hearsay no authentication, no foundation 7l. Not relevant; unduly confusing, hearsay, no authentication, no foundation; 7m. Not relevant, hearsay, no authentication, no foundation.
8	Not relevant, hearsay, legal conclusion, no foundation
9	Not relevant, hearsay, no foundation, move to strike -how many Old Joe's do we have and which ones are we talking about, outside of relevant time, unduly confusing
10	Not relevant, hearsay, no foundation, not relevant - out of time
11	No objection

⁵ See n. 1. For the convenience of the Examiner, we have designated these paragraphs 4a, 4b, 4c, etc.

⁶ See n.1. For the convenience of the Examiner, we have designated these paragraphs 6a, 6b, 6c, etc.

⁷ See n. 1.

Application No.: 09/267,022

<u>Paragraph No.</u>	<u>Legal Grounds For Objecti n</u>
<p align="center"><u>AFFIDVIT OF GEORGE ROLAND HILL</u> <u>Move to Strike in its entirety as not relevant & return</u> <u>Petitioners' should be admonished for submitting this type of testimony</u></p>	
1	This man is not qualified as an expert
2	Not relevant.
3	Not relevant.
4	Not relevant
5	Not relevant.
6	Not relevant
7	Not relevant; hearsay; no foundation, legal conclusions, move to strike
8	Not relevant; hearsay; multiple-part paragraph which is unduly confusing; no foundation, chain of custody; personal observations, move to strike
9	Not relevant, hearsay; no foundation, unduly confusing; chain of custody; legal conclusions, move to strike
10	Not relevant, hearsay, no foundation, unduly confusing, move to strike
11	Not relevant., wholly unnecessary, move to strike
12	Not relevant to these proceedings
<p align="center"><u>DECLARATION OF ABIGAIL PARKER</u></p>	
1	Not relevant
2	Not relevant
3	Not relevant, no expertise, no foundation, hearsay
4	Not relevant, no expertise, no foundation, hearsay
5	Not relevant, no expertise, no foundation, hearsay
6	Not relevant, no expertise, no foundation, hearsay, no authentication, no chain of custody, not an expert

Application No.: 09/267,021

<u>Paragraph No.</u>	<u>Legal Grounds For Objection</u>
7	No objection
<u>AFFIDAVIT OF PATRICK HENRIETTA</u>	
1	No objection.
2	Not an expert
3	Not relevant.
4	Not relevant, hearsay, no foundation
5	Not relevant, cumulative and unduly confusing, hearsay, foundation
6	Not relevant, out of time, no foundation, not an expert
7	No objection
<u>SUPPLEMENTAL DECLARATION OF GEORGE ROLAND HILL⁸</u> <u>Move to Strike in its entirety as not relevant & return</u> <u>Petitioners should be admonished for submitting this type of testimony and alleged</u> <u>evidence</u>	
1	Not relevant.
2	Not relevant; outside scope of public use proceeding, move to strike.
3	Not relevant, hearsay; foundation; outside scope of public use proceeding, move to strike
4	Not relevant, hearsay; legal conclusions; outside scope of public use proceeding, move to strike
5	Not relevant, cumulative, unduly confusing; hearsay; out of time, move to strike
6	Not relevant, improper, outside scope of public use proceedings, move to strike
7	Not relevant; cumulative, chain of custody, outside scope of public use proceedings, move to strike

⁸ Applicant moves to have the entire Supplemental Declaration of George Roland Hill returned to the Petitioner as improper. See Decision Returning Papers (Paper No. 26) dated January 22, 2003. This Supplemental Declaration is clearly outside the limited scope of a Public Use Proceeding. Applicant maintains that the reasons for the January 22, 2003 Decision Returning Papers apply to Mr. Hill's supplemental declaration as well.

Application No.: 09/267,022

<u>Paragraph No.</u>	<u>Legal Grounds For Objection</u>
8	Not relevant, legal conclusions, outside scope of public use proceedings, move to strike
9	Not relevant, outside scope of public use proceedings, move to strike
10	Not relevant; outside scope of public use proceedings, move to strike
11	No objection

Respectfully submitted,
DORSEY & WHITNEY LLP

Date: April 14, 2003

Aldo Noto, Reg. No. 35,628
1001 Pennsylvania Avenue, N.W.
Suite 400 South
Washington, D.C. 20004
Tel: (202) 442-3000
Fax: (202) 442-3199

Application No.: 09/267,021

PROOF OF SERVICE UNDER 37 CFR §1.248

I hereby certify that on this 14th day of April 2003, a true copy of the foregoing **APPLICANT'S OBJECTIONS TO ADMISSIBILITY OF PETITIONER'S UNDER 37 CFR §1.672(b) TESTIMONY FOR PUBLIC USE PROCEEDINGS** was served by facsimile and by U.S. First Class mail on counsel for Petitioners as indicated below:

Jack S. Barrufka
Benjamin L. Kiersz
PILLSBURY WINTHROP LLP
1600 Tysons Boulevard
McLean, VA 22102
Tel: (703) 905-2000
Fax: (703) 905-2500



Aldo Noto, Reg. 35,628
Attorney for Applicant

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
POWER OF ATTORNEY

Docket No.

Name of Applicant: **Clear Focus Imaging, Inc.**
Address of Applicant: **3343 Industrial Drive, Suite 2**
Santa Rosa, CA 95403

Tel. (800) 307-7990

Fax (707) 544-1886

Title: **IMAGE DISPLAY APPARATUS WITH HOLES FOR OPPOSITE SIDE VIEWING**

Serial No., if Any: **09/267,025**

Filed: **March 11, 1999**

TO THE ASSISTANT COMMISSIONER FOR PATENTS

The Assistant Commissioner for Patents
Washington, D.C. 20231

Honorable Sir:
I hereby appoint:

Aldo Nero, Reg. No. 35,628 and all other practitioners associated with PTO customer No. 27082
which collectively conduct business under:

DORSEY & WHITNEY LLP

1001 Pennsylvania Avenue, N.W.

Suite 400 South

Washington, DC 20004

Tel. (202) 442-3000

Fax (202) 442-3199

as principal attorneys to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith.

Please direct all future correspondence to:

DORSEY & WHITNEY LLP

1001 Pennsylvania Avenue, N.W.

Suite 400 South

Washington, DC 20004

Tel. (202) 442-3000

Fax (202) 442-3199

By: 

Deborah T. Ross, President

Dated: 4-14-03



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re REISSUE APPLICATION OF

Rodney M. SHIELDS

Application No.: 09/267,025

Filed: March 11, 1999

Title: **IMAGE DISPLAY APPARATUS WITH HOLES FOR OPPOSITE SIDE VIEWING**

Confirmation No.: 6529

Group Art Unit: 1772

Examiner: William P. Watkins III

#34
RECEIVED
JUL 22 2003
GROUP 1700

**APPLICANT'S REQUEST FOR A STAY OF REBUTTAL AND FOR
EXTENSION OF TIME TO RESPOND TO PETITIONER'S WITHDRAWAL
FROM PUBLIC USE PROCEEDING**

Hon. Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In the public use proceeding of the above-referenced reissue application, Applicant hereby requests a stay of the requirement to provide rebuttal evidence and argument and an extension of time of one (1) month to respond to Petitioner's Withdrawal From Public Use Proceeding, filed on June 3, 2003.

I. Stay of Rebuttal

On June 3, 2003, Petitioner in the public use proceeding filed a withdrawal from that proceeding. Petitioner alleged that the cross-examination of its affiants, which was requested by Applicant on May 23, 2003, was moot. Thus, Applicant has not had an opportunity to cross-examine Petitioner's evidentiary statements, exhibits and documents which were submitted in the public use proceeding. Nor has the Patent and Trademark Office issued a decision on

Petitioner's notice of withdrawal. Accordingly, it is not appropriate to provide a rebuttal submission at this time in compliance with the Examiner's scheduling order.

II. Extension of Time

Notwithstanding Petitioner's Withdrawal From Public Use Proceeding and its denial of Applicant's opportunity to confront and cross-examine its evidence, Petitioner's withdrawal is complete with self-serving and conclusory factual and legal contentions designed to support the validity of its public use positions. Thus, Petitioner is "trying to have its cake and eat it too." While abandoning the public use proceeding, refusing to permit its evidence to be confronted, cross-examined, tested and shown to be baseless, Petitioner asserts nevertheless that its positions and evidence have merit.

This is a complex proceeding. Applicant needs a one (1) month extension of time in which to reserve its right, which is hereby asserted, to object to Petitioner's evidence and exhibits, and to respond to the baseless allegations and positions set forth in Petitioner's Withdrawal From Public Use Proceeding. Additionally, Applicant can provide valuable input to the Examiner in its response as to the nature and structure of the final opinion in this case.

Accordingly, for the above-referenced reasons, Applicant hereby requests a stay of the requirement to provide rebuttal evidence and argument and a one (1) month extension of time to respond to Petitioner's withdrawal papers, hereby reserves its right to object to all of Petitioner's

evidence and exhibits in support of the public use proceeding and notes that each and every one of Petitioner's legal and factual conclusions set forth in its withdrawal papers is erroneous.

Respectfully submitted,

DORSEY & WHITNEY LLP

By: 

Aldo Noto

Reg. No. 35,628

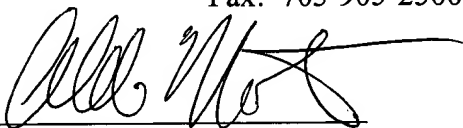
1001 Pennsylvania Avenue, NW
Suite 400 South
Washington, DC 20004
Phone: 202-442-3000
Facsimile: 202-442-3199

Attachment: Proof of Service Under 37 CFR § 1.248

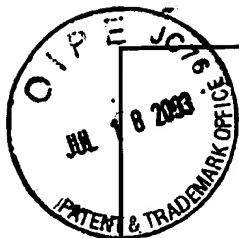
PROOF OF SERVICE UNDER 37 CFR § 1.248

I hereby certify that a true copy of the foregoing APPLICANT'S REQUEST FOR A
STAY OF REBUTTAL AND FOR EXTENSION OF TIME TO RESPOND TO
PETITIONER'S WITHDRAWAL FROM PUBLIC USE PROCEEDING was served by
facsimile and by U.S. First Class Mail this 18th day of ^{July}~~June~~, 2003, on counsel for the Petitioner *JAB*
indicated below:

Jack S. Barufka
Benjamin L. Kiersz
Pillsbury Winthrop LLP
1600 Tysons Boulevard
McLean, VA 22102
Tel: 703-905-2000
Fax: 703-905-2500



Attorney for Applicant



TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

TRANSMITTAL FORM (to be used for all correspondence after initial filing)		Application No.	09/267,025
		Filing Date	March 11, 1999
		First Named Inventor	Rodney M. SHIELDS
		Examiner Name	W. P. Watkins III
		Group Art Unit	1772
Total Number of Pages in This Submission	5	Attorney Docket No.	

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JUL 22 2003
GROUP 1700

ENCLOSURES (check all that apply)		
<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Assignment Papers (for an Application)	<input type="checkbox"/> After Allowance Communication to Group
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment / Reply	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Applicant's Request for a Stay of Rebuttal and for Extension of Time to Respond to Petitioner's Withdrawal From Public Use Proceeding
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, No. of CD(s) _____	
<input type="checkbox"/> Response to Missing Parts/ Incomplete Application	Remarks	
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Frederick S. Frei, No. 27,105
Signature	
Date	July 18, 2003

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with Sufficient postage as first class mail in an envelope addressed to Commissioner for Patents, Washington, DC 20231 on this date:	
Typed or printed name	